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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT, Complainant, v. BOYD L. CASSELMAN 447 W. Creekside Lane Kaysville, UT 84037 License # 231119 Respondent.	STIPULATION AND ORDER Docket No. 2015-070 HL Enf. Case No. 3628 Judge Mark Kleinfeld Administrative Law Judge
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STIPULATION

The Utah Insurance Department ("Department"), by and through its legal counsel, and Boyd L. Casselman ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active resident insurance producer. Respondent's address is 447 W. Creekside Lane, Kaysville, UT 84037. Respondent's License Number is 231119.
2. The Department has jurisdiction over the parties and subject matter of this administrative action.
3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal

concerning this matter.

4. Respondent knows of his right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.


9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 29th day of July, 2015.


BOYD L. CASSELMAN
License #231119

Dated this 5th day of August, 2015.


GARY JOSEPHSON,
Assistant Attorney General
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. Based on a complaint, the Department initiated an investigation regarding Respondent's business activities. On February 10, 2015, Department investigators met with Respondent, wherein Respondent provided a written summary of his business practices.
2. Respondent and his wife own two (2) entities. The first is "Creative Publishing Group DBA *Utah's Senior Review*," which was created in 2008 for the publication of information and as a marketing tool. The revenue source for the publication, *Utah's Senior Review*, is the advertising monies received from advertisers in the publication. The second entity is "Innovative Business Concepts DBA Smart Retirement Systems," which is classified with the Department of Commerce as "Agencies Brokerages or other Ins." It is not a licensed insurance agency; however, Respondent uses this entity to solicit leads for the sale of insurance.
3. Respondent used a business card advertising "Smart Retirement Systems" and sells fixed indexed annuities, with or without income riders, and long term care products, which are usually insurance based. Lead sources come from *Utah's Senior Review* and referrals.
4. Respondent also conducts three workshops on Social Security, Long Term Care, and Medicare. Respondent stated that during the Social Security workshops Respondent talks

about annuities; during the Long Term Care workshops Respondent discusses annuities; and during the Medicare workshops, Respondent talks about enrollment information, and then again discusses annuities.

5. During the Medicare workshop, Respondent provides a survey form asking attendees if they would like more information about Medicare, Long Term Care, Safer Savings Options, social Security, or Income Planning and Replacement. Respondent's assistant schedules appointments with consumers at the workshops. The Medicare workshop advertisement states that Long Term Care information will be discussed, but makes no mention of insurance.

6. Respondent authors an article entitled "Seven Mistakes People Make in Retirement" and writes, "If you are interested in learning about appropriate, safe and secure retirement products and strategies, give me a call, and I'll be happy to sit down with you to have a candid and helpful discussion about your future." The article does not disclose that Respondent is an insurance agent.

7. Recently, Respondent provided a copy of new compliant business cards, which state that he is an insurance licensee. He also provided information binders provided to workshop attendees.

8. On February 25, 2015, a Department investigator attended a Medicare Education workshop presented by Respondent. The presentation followed most of the slides contained in the binders previously provided; however, at the end of the workshop, Respondent began discussing life insurance and annuities. The attendees were not provided copies of this portion of the presentation.

9. On July 13, 2015, Respondent agreed to a recommended administrative forfeiture of \$5,000.00 and a 12 month probation. Respondent has also taken corrective actions.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Respondent violated Utah Code Section 31A-23a-103 by soliciting insurance sales leads using the entity name “Smart Retirement Systems” without a proper agency license.

2. Respondent violated Utah Code § 31A-23a-402, and Utah Admin. Rules R590-130-6, R590-130-7 and R590-252-5 when Respondent provided misleading advertising material to the public by offering a “Medicare Educational workshop” without disclosing that the workshop was a method of soliciting insurance leads. The advertisements in the *Utah’s Senior Review* publication and Respondent’s business cards did not disclose that Respondent is a licensed insurance agent; therefore, the audience had no reasonable notice that Respondent may attempt to sell them an insurance product. Respondent also used a senior specific designation which he did not hold.

3. The proposed administrative forfeiture of \$5,000.00, along with a 12 month probation is appropriate in this matter.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

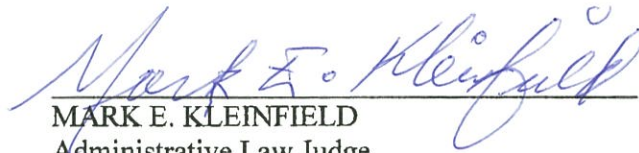
1. Respondent, Boyd L. Casselman, is hereby assessed an administrative forfeiture in the amount of \$5,000.00.

2. The administrative forfeiture shall be paid to the Department in three installments over a three month period. The first payment of \$1,666.68 shall be made before September 1, 2015; the second payment of \$1,666.66 shall be made before October 1, 2015; and the third and final payment of \$1,666.66 shall be made before November 1, 2015.

3. Beginning on the date this Order is signed, Respondent is hereby placed on probation for twelve months. The terms of probation are as follows: (a) forfeiture payments shall be timely made to the Department; (b) Respondent shall be honest, truthful and compliant in all advertising and marketing; (c) Respondent shall provide to the Department copies of all advertisements to be included in *Utah's Senior Review*, no later than two weeks prior to publication; (d) Respondent shall not refer to himself as a "Retirement Specialist" nor any other senior specific designation that he has not achieved and can adequately document upon the Department's request; and (e) Respondent shall not in the future violate any statutes or rules referenced in this Stipulation and Order.

DATED this 5 day of August, 2015.

TODD E. KISER
Insurance Commissioner


MARK E. KLEINFELD
Administrative Law Judge
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3800

NOTIFICATION TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.


You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the
STIPULATION AND ORDER was mailed, postage prepaid, to the following:

**BOYD L. CASSELMAN
447 W. CREEKSIDE LANE
KAYSVILLE, UT 84037**

Dated this 10 day of August, 2015.



LINDA HARDY
UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

BOYD L CASSELMAN
CASSELMAN, BOYD L
447 W CREEKSIDE LANE
KAYSVILLE UT 84037

Printed Date: August 6, 2015
Invoice Date: August 6, 2015
Balance Due: \$5,000.00
Due Date: September 01, 2015
Invoice ID: 786720
Payor ID: 117910

Date	Item Description	Amount	
08-06-2015	Monetary Penalty Individual	\$5,000.00	E-Case 3628 Docket 2015-070 HL to be made in 3 monthly payments beginning September 1, 2015

No Adjustments

No Payments

Balance Amount Due \$5,000.00

UTAH Invoice - Original

Make check payable to: Utah Insurance Department
Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Invoice Date: August 6, 2015
Balance Due: \$5,000.00
Due Date: September 01, 2015
Invoice ID: 786720
Payor ID: 117910

E-Case 3628 Docket 2015-070 HL to be made in 3 monthly payments beginning September 1, 2015

Detach and Return this Voucher with Payment
Payments Will Not Be Processed without Voucher